

### **Remarks**

It is noted that the claims filed with the Amendment After Final on April 19, 2007 are now the claims pending in this application. In the Advisory Action mailed May 18, 2007, the Examiner has noted that the Amendment filed on April 19, 2007 does not put the application in a state of allowance.

The Examiner has noted in the advisory action that at paragraph 80 Logston discloses, "electronic-commerce applications may contain portions that can run on the client device or the server machine based on the capabilities of the client device". The Examiner has alleged that this discloses, "the server portion is able to provide initial function of the client based on the capabilities". Applicant submits that Logston teaches dividing a client server program into components or portions and identifying portions that must be run on the client, portions that must be run on the server, and portions that can be run on either the client or the server. Based on the capabilities of the client, the portions that may be run on either the client or the server or then run on either the client or the server. It is noted that all portions of the application are either run on the client or the server.

This does not disclose the subject matter of the claim as presented in the paper filed April 19, 2007. In particular, this fails to teach or suggest a means for loading into the memory (of the at least one server), in dependence upon the subsequent parameter, the subsequent server component portion. As outlined above, all of the portions of the client/server application taught by Logston are loaded onto either the client or server. There is no teaching to suggest the benefit of loading subsequent portions of the server side application based on messages received from the client side application as claimed in the amended claim.

The Applicant notes that the claims were rejected as being obvious in view of Kevner and Logston in the Final Office Action mailed January 26, 2007. In addition to the arguments presented above with regard to the failings of Logston and those presented in the arguments of the paper filed April 19, 2007, Applicant notes that the system of Kevner does not relate to the currently claimed subject matter.

Kevner discloses a system that "optimizes the efficient use of memory by subdividing a large data block into incremental data blocks. The present invention [Kevner] then sends the incremental blocks over the wide area network. As the client receives each incremental data block, the client immediately begins to use the incremental data blocks" (col. 4, ln. 29 – 34). From this it is clear that the system disclosed by Kevner could be used in 'streaming' data between a server and client.

Applicant notes that it is not the data of the current application that is subdivided, but the server side of the client/server application. Furthermore, the subdivided information is not sent over a network between the client and server. Messages are sent between the client and server indicating requested functions etc. As such, the streaming of large data files taught by Kevner does not suggest the incremental server side client/server application as disclosed and claimed in the current application.

Additionally, as outlined above, Logston fails to disclose information that could be applied to the teachings of Kevner, or even to the alleged teachings of Kevner as noted by the Examiner, to lead one skilled in the art to the presently claimed subject matter.

In broad terms, Logston provides a way to provision an application to a client over a network. It consists of incrementally loading components onto the client until the client is functioning (par. 78). This does not disclose the subject matter of the current claims, which loads and executes additional functions or components onto the server side of an already functioning client/server application. Furthermore, as outlined above, the server side components are not sent over the network between the client and server. Both Logston and Kevner disclose incremental components, whether client side application components or subdivided data components, being sent over the network between the client and server of the client/server application.

For the reasons outlined above, the combined teachings of Kevner and Logston fail to suggest the subject matter in general terms, and fail to particularly disclose the specific elements of the claims, as presented on April 19, 2007.

For at least the reasons outlined above, Applicant respectfully submits that claim 1, as presented on April 19, 2007, is patentable over Kevner in view of Logston and complies with U.S.C. 103(b).

Independent claims 3, 5, 7, 16 and 20 all contain a similar limitation as outlined above for claim 1. In the advisory action, the Examiner has not noted any further teachings of Logston that could be combined with the teachings of Kevner to lead one skilled in the art to the subject matter of the independent claims. As such, Applicant submits that the independent claims, as amended on April 19, 2007, are also patentable over Kevner in view of Logston, and comply with U.S.C. 103(b).

Applicant submits that the dependent claims, which serve to limit the scope of the independent claims, also are patentable over Kevner in view of Logston, and so comply with U.S.C. 103(b).

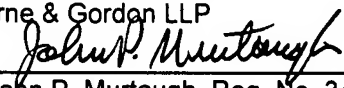
In view of all the foregoing, it is believed that the claims as now presented are in condition for allowance, which is respectfully requested.

If any further fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 33263US1.

Respectfully Submitted,

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